

REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL
February 24, 2003

The REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL was held on Monday, February 24, 2003, at 7:09 p.m., in the Assembly Room, Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina.

PRESENT: Mr. James H. Rozier, Jr., Supervisor-Chairman; Mr. Milton Farley, Councilmember District No. 1; Ms. Judith K. Spooner, Councilmember District No. 2; Mr. William E. Crosby, Councilmember District No. 3; Mr. Charles E. Davis, Councilmember District No. 4; Mr. Dennis L. Fish, Councilmember District No. 5; Mrs. Judy C. Mims, Councilmember District No. 6; Mr. Caldwell Pinckney, Jr., Councilmember District No. 7; Mr. Steve C. Davis, Councilmember District 8; Mr. D. Mark Stokes, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council.

Pursuant to the Freedom of Information Act, notice of the meeting date, time, place and agenda was posted on the bulletin board at the entrance of the County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina and the Berkeley County Library, and mailed to the newspapers, radio stations, television stations and concerned citizens.

Chairman Rozier called the meeting to order; Councilmember Spooner led in the invocation; and Councilmember Crosby led in the Pledge of Allegiance to the Flag of the United States of America.

Chairman Rozier asked Council's pleasure on the Approval of Minutes for Special Council Meeting, January 6, 2003; Public Hearings, Bills Numbered 02-65, 02-66, 02-67, 02-68, 02-69 and 02-78, January 27, 2003; and Regular Council Meeting, January 27, 2003.

It was moved by Councilmember Crosby and seconded by Councilmember Fish to approve the minutes as presented. The motion passed by unanimous voice vote of Council.

Chairman Rozier indicated no one signed up for Public Discussion at the beginning of the meeting, nor was an Executive Session needed.

Chairman Rozier read the five Bills for Third Reading.

THIRD READINGS:

"BILL NO. 02-70, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE RECLASSIFICATION OF APPROVED USES OF TMS #211-00-02-075 & 211-00-02-062. (Patillo Construction Company for Gwinnett Industries)

It was moved by Councilmember Spooner and seconded by Councilmember Crosby to approve **Bill No. 02-70** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-02-07 is attached to these Minutes.)

“BILL NO. 02-71, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE RECLASSIFICATION OF APPROVED USES OF TMS #234-00-00-011 & 234-00-00-136.” (Mt. Holly Associates, LLC)

It was moved by Councilmember Crosby and seconded by Councilmember Spooner to approve **Bill No. 02-71** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-02-08 is attached to these Minutes.)

“BILL NO. 02-72, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE RECLASSIFICATION OF APPROVED USES OF TMS #161-00-02-076.” (Berkeley Investments Company)

It was moved by Councilmember Spooner and seconded by Councilmember Crosby to approve **Bill No. 02-72** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-02-09 is attached to these Minutes.)

“BILL NO. 02-73, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE RECLASSIFICATION OF APPROVED USES OF TMS #210-00-00-047.” (Berkeley Industrial Developers)

It was moved by Councilmember Fish and seconded by Councilmember Spooner to approve **Bill No. 02-73** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-02-10 is attached to these Minutes.)

“BILL NO. 02-74, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE RECLASSIFICATION OF APPROVED USES OF TMS #123-00-02-030.” (John W. and Miriam A. Mitchum)

It was moved by Councilmember Farley and seconded by Councilmember Fish to approve **Bill No. 02-74** for Third and Final Reading. The motion passed by majority voice vote of Council with Councilmember Crosby voting “Nay.” (A copy of Ordinance No. 03-02-11 is attached to these Minutes.)

Chairman Rozier read the five Bills for Second Reading:

SECOND READINGS:

“BILL NO. 03-1, AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF WATER AND SEWER SYSTEM REVENUE BONDS OF BERKLEY COUNTY, SOUTH CAROLINA; PRESCRIBING THE FORM OF BONDS; LIMITING THE

PAYMENT OF THE BONDS SOLELY TO THE NET REVENUES DERIVED FROM THE OPERATION OF THE SYSTEM AND PLEDGING THE REVENUES TO SUCH PAYMENT; CREATING CERTAIN FUNDS AND PROVIDING FOR PAYMENTS INTO SUCH FUNDS; AND MAKING OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE FOREGOING.”

It was moved by Councilmember Spooner and seconded by Councilmember Farley to approve **Bill No. 03-1** for Second Reading.

Councilmember Spooner indicated she was prepared to recommend what she thinks Council should fund, and also, that they divide the amount of money to be spent on the Administration Building on a 30/30/40 basis. At this rate 30 percent of the cost would go to the Landfill, 30 percent to Water, and 40 percent to Sewer.

Chairman Rozier asked Councilmember Spooner was the list a part of her motion? Councilmember Spooner stated, yes, if that was appropriate.

Councilmember S. Davis indicated he would seriously object in that he didn't think they needed to fast forward this issue due to the conflict he had this evening and could not proceed with the Water and Sanitation Meeting. He stated he would welcome the opportunity to allow additional time to address this item in the Water and Sanitation Committee. However, he has no reservations in reference to Second Reading, but he does have strong reservations regarding Councilmember Spooner's amendment.

Councilmember Fish indicated that he was concerned that this item is at Second Reading and there is not a dollar amount for the funding of the proposed projects. He stated his understanding was that the proposal with the dollar amount would need to get to the Bond people within a short period of time.

Chairman Rozier stated Staff would meet with the Bond Raters, on Thursday and Friday of this week.

Councilmember Fish asked what numbers were they prepared to give them?

Chairman Rozier stated they only had the \$130,000,000 to discuss.

Mr. David Jennings, BCW&SA, stated that in the two ordinances for Second Reading, there is a “not to exceed amount.” In the scheme of things those would be voted on in the “not to exceed amount.” If Council wanted to consider a motion that identified specific projects to be funded with new money would certainly be appropriate, but would be independent of the two Second Readings.

Councilmember Crosby stated he agrees with Councilmember Davis in that they couldn't vote for something and not know the amount or the projects they are voting on.

Councilmember S. Davis indicated that he had informed the Supervisor that he was amenable to scheduling another meeting regarding this matter. He stated he would not want to have a situation with something as important as safe water to so many citizens of Berkeley County be fast-forwarded without active participation by all members through the Water and Sanitation Committee.

Councilmember S. Davis reminded Council that with the exception of Revenue matters for Berkeley County Water and Sanitation, everything else should come through the Committee on Water and Sanitation. The 2002/2003 rules specifically state, "Revenue measures should be referred to the Committee on Finance. All Bills and Resolutions, levying of taxes including indebtedness or otherwise affecting County revenues should be referred to the Committee on Finance with the exception of Water and Sanitation Authority matters, which shall be referred to the Committee on Water and Sanitation." He stated he did not want to be robbed of an opportunity to have full discussion on the Bond matter. "At this particular point I would urge and ask humbly Councilmember Spooner to defer her motion and give me an opportunity to complete this matter through the Committee on Water and Sanitation."

Councilmember Spooner: "Mr. Chairman if it would be appropriate, what page number were you on Councilmember S. Davis?"

Councilmember S Davis: "Page 15."

Councilmember Spooner: "Go to Page 17 at the bottom. And our rules also say that once a Committee meeting has been called and the agendas have been sent out that the Chairman shall appoint someone to have that Committee. We could have had that meeting today."

Councilmember S. Davis: "The matter is that nobody has a vice-chairman reference to any of the Standing Committees. When the rules were formulated not any of the Councilmembers chose a vice-chairman."

Councilmember Spooner: "Well, I've asked to have one added to my list. Still, I've checked on that also and the weight of that is we shall have it, which means it's a done deal. I was pushing to have the Committee meeting because of that point in our rules. If you're going to follow one point, let's follow it all."

Councilmember S. Davis: Well, if you were pushing you should have had some interplay with me; the only interplay I've had in the Water & Sanitation Meeting not going forward took place between the Supervisor and myself."

Chairman Rozier: "It doesn't indicate I gave you approval to cancel your meeting."

Councilmember S. Davis: "That's correct, I didn't ask for your approval either."

Chairman Rozier: "I didn't have authority to give you approval, nor do I have authority to violate the rules as stated."

Councilmember S. Davis: "I'm not asking you to violate any rules, the rules speak for itself."

Chairman Rozier: "I think Ms. Spooner's point is that if you are going to follow one rule, you ought to follow them all."

Councilmember Crosby stated he was definitely against any increase in sewage and would definitely argue against any projects they come up with to get a Bond issue. He stated he didn't agree with moving so fast with a Bond issue of this magnitude with the economy the way it is.

Councilmember Spooner stated her recommendation would have been for those projects that don't increase the rates. They don't have control over the sewer because of DHEC regulations but they can certainly not raise water rates by not doing some of the projects.

Councilmember S. Davis indicated he tended to disagree with Councilmember Spooner in reference to DHEC controlled all aspect of the Sewer Bond issue. There are certain things in the Bond that is discretionary in a sense that it necessitates being done but not all issues pertaining to sewer are mandated by DHEC.

Councilmember Spooner stated those that are not could certainly be taken out.

Councilmember S. Davis stated it is obvious that this issue needs further discussion. He stated Second Reading would not affect the Bond issue because it was presented not to exceed a certain amount. The only thing that he is asking is an opportunity for full input and participation. They need to move with deliberate speed but in manner of the proper context of how it should be done.

Councilmember Pinckney stated they could sit there and say, "We don't need to do this because it's going to increase this and that without any consideration for those folks in Berkeley County that do not have safe water. This is not something that happened overnight, this has been an on-going situation; now, they have an opportunity to rectify the situation and look at it very rationally. People has to have safe water, it doesn't matter where they live. I personally feel that we as a governing body need to look at this issue very objectively. When you talk about tax increases, it is inevitable; so, why not let's set some priorities? Everybody needs safe water. If in fact other members of Council didn't have safe drinking water, you would have a whole different attitude about it, I know you would. So, lets be real and treat other people like we ourselves like to be treated."

Chairman Rozier asked was any member of Council against giving Bill No. 03-1 Second Reading?

Councilmember S. Davis stated, "No, I was against the amendment Councilmember Spooner made."

The motion to approve **Bill No. 03-1** for Second Reading passed by majority voice vote of Council with Councilmember Crosby voting "Nay."

Councilmember Spooner indicated she spent time reviewing this issue and didn't know what they needed to study any longer. She stated she talked to Mr. Hehn about whether they needed to spend \$2.5 million on an Administration Building because she didn't feel they needed to. Also, if they were to spend money to build any kind of facility it would need to be divided among the three departments that actually use it and Mr. Hehn agreed. Other than that, take out the projects that would raise rates and leave in what they have to do.

Councilmember Farley asked did Councilmember Spooner have a list of the projects?

Councilmember Spooner stated she has a list of the water projects.

Councilmember Spooner listed Water Projects 2, 3, 4, 5, 7, and 8. She stated 10, 13, and 15 would be included in the \$930,000.

Chairman Rozier stated the Water portion would be \$930,000, which would add about \$.40 to the water rate.

Councilmember Spooner stated the Landfill is handled under the BCW&SA and she didn't know why they wouldn't include that. Chairman Rozier indicated that does include the Landfill, which would be 37 percent of \$2.5 million.

Mr. Jennings stated the number Mr. Moulder gave him on the Administration Building, which would include improvements based on the properties they discussed is a gross dollar amount of \$3.1 million. He stated \$930,000 would be the dollar amount allocated to water; \$620,000 allocated to Solid Waste; and \$1,550,000 would be allocated to sewer. The Water's portion is 30 percent, Sewer is 50 percent, and Solid Waste is 20 percent.

Chairman Rozier stated this calculation is based on the possibility of an existing building in Goose Creek being available and improving it as it currently sits.

Councilmember Pinckney asked what would be the increase if water to Cross schools were factored in at \$1.8 million?

Mr. Jennings stated it would be \$1,815,000 plus \$1,450,000.

Chairman Rozier stated \$450,000 was added to the budget to be subtracted from the \$1.9 million.

Mr. Jennings stated in a previous meeting the numbers indicated for every additional million dollars on a water project would add \$.43 per thousand gallons to the water rate. Chairman Rozier stated that would be a \$1.56.

Mr. Jennings indicated Mr. Moulder's number was about a 6 percent increase if water to Cross schools were added.

Councilmember Crosby stated he thought there was some indication that grant money would be allocated for that project.

Mr. Jennings stated they got a smaller amount in the current congressional budget year than they had hoped for. Congressman Brown called and was able to have \$450,000 added to the current budget allocation, which was subtracted from \$1.9 million. He stated they had put \$1,900,000 in the listing of the new money required from the Bond fund. Also, in order to use the \$1.9 million dollars of new money they were asking for would require \$1,815,000 of federal funding and they have received only \$450,000.

Chairman Rozier stated a total of \$4.2 million was initially needed before the \$485,000 last year, \$450,000 this year, which leaves a balance of \$3,365,000. They had discussed borrowing \$1,900,000 for Projects 1-8. He stated that if they borrowed \$1,450,000 you would still need \$1,815,000 to add to it. If the grants are not gotten within a three-year period we would have to use the money we borrowed and end up losing the money borrowed for Cross. "I think that's dangerous."

Councilmember Crosby stated that when they talked about water to Cross Schools it was indicated there would be no increase if only those projects were approved.

Chairman Rozier stated if the \$1,900,000 were not spent within three years it would be a problem.

Mr. Jennings stated the original list presented to Council two weeks ago including Projects 1-8, eliminating #6, the \$9,650,000 would have been a 4 percent (4%) water rate increase.

Councilmember Pinckney stated it was hard for him to fathom that they were not going to come up with \$1,800,000 in three years when we have known for the last 3-4 years that the water to Cross Schools was unsafe. He reiterated that as a governing body of Berkeley County, "that's our responsibility to make sure that this happens. If it doesn't, I just can't understand that."

Councilmember S. Davis indicated that the presenters were not really 100 percent in agreement of what they were presenting to County Council. This confirms the fact that more time needs to be devoted to this issue. He stated, as a body, they do not need to circumvent all due deliberate discussion in this matter. He stated he didn't think the citizens who are affected

by this would be adequately served in their haste to suggest which projects should be passed this afternoon.

Chairman Rozier stated they were sure about the amount of increase on the projects proposed; they are sure about the cost, as far as the projections. It may not be enough information for them but they were not unsure about what they are presenting.

Councilmember Crosby indicated he had no problem with all the Projects they could get in without an increase in user fees. He had no trouble sacrificing the building.

Chairman Rozier stated the projects that affect Districts 7 and 8 are 95 percent of the money; only 5 percent in the urban areas.

Councilmember Farley asked how did they arrive at two lists?

Mr. Jennings stated the projects that Mr. Hehn and his Staff originally put together aiming for about a 4 percent rate increase were Projects 1-8 (#6) was accidentally left out. Projects 9-17 were added as a result of meetings with several members of Council talking about projects in to rural areas where water quality was not up to standard and what it would cost to provide water to these areas and how many residences would be impacted. Projects 9-17 comprised a secondary list that they prepared and had the engineers go through the exercise of doing some rough calculations in determining length and miles of pipes, fire hydrants, etc. So, it's a supplemental list that was not part of their original calculation.

Councilmember Farley stated that is a good gesture, but to spend almost \$11,000 per service in Alvin, "I think you could hall water cheaper than that."

Councilmember Crosby stated he had no problems with the water, but it is the sewer where the increase would be \$6 to \$7 per user. The water is also included in the Bond issue, so, he would have to argue both ways.

Chairman Rozier stated this is not a combined Bond issue; it is dedicated separately to water and separate to sewer. They can vote for the Water Bond issue and against the Sewer Bond issue.

Mr. Jennings stated the projects' list are separate but in terms of the Bond issue there is one Bond issue, but the dollars are divided specifically for water and specifically for sewer.

Chairman Rozier indicated we were arguing with DHEC for four years about our Sewer System and it's been very public. We had a model of the Cooper River that DHEC didn't buy, (or they bought it and it wasn't a good model.) DHEC is forcing us into the changes on the Sewer System or they would close us down or impose heavy fines upon us. There are a few projects that could be taken out of the Sewer System and that's fine, but the ones that are being required by DHEC we may not have a lot of choice. He stated we are still fighting with DHEC on the second phase of upgrades, which would double this phase.

Councilmember Crosby indicated we are reaching for the whole pie and he knows that it's because of the low rates and it's a good time to do it. Also, they have to look at the economy's downfall, we are not receiving taxes, people are getting laid off, and people don't want an increase to sewer. We need to make a selection, but a smaller piece of the pie.

Chairman Rozier asked if the items not required by DHEC were taken out, what would the rates be?

Mr. Hehn stated the only things that couldn't be done would be the sewer lines extensions in Katony and the Oaks. He stated they reallocated the Administration Building. Projects 13 and 20 could be eliminated and were not absolutely required by DHEC.

Mr. Moulder indicated the Administration Building was #18 on the old list and has dropped to \$1.55 million from \$2.5 million.

Chairman Rozier stated the whole list would constitute a \$7.00 increase in rates. If the Oaks were taken out, it would be a \$6.95 increase; and asked what would be the increase if Katony were taken out?

Mr. Jennings stated the cost of Katony is fairly equivalent to the Oaks and would be an estimated increase of \$6.88.

Mr. Hehn stated Mr. Jennings referenced the Treatment Plants, but EPA is coming down with Sewer System Overflows, which are brand new regulations. He stated they have an infamous sewer system in Goose Creek and they have to prevent the overflows.

Councilmember S. Davis asked was it fair to say that Project #13 was \$260,000 and \$250,000 for the Oaks?

Mr. Jennings replied that was true.

Councilmember Crosby stated he certainly hoped that the rest of the projects were not estimated like the Oaks. They are discussing 300 – 400 feet of pipe that would cost \$250,000 to hook up 8 houses, which would be \$31,250 per house.

Mr. Jennings asked for a motion to send Bill No. 03-2 on for Second Reading.

SECOND READINGS (Continued):

“BILL NO. 03-2, FIRST SUPPLEMENTAL ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BERKELEY COUNTY, SOUTH CAROLINA, WATER AND SEWER SYSTEM REVENUE BONDS, SERIES 2003, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$130,000,000; PRESCRIBING THE FORM AND DETAILS OF SUCH BONDS; AND OTHER MATTERS RELATING THERETO.”

It was moved by Councilmember Spooner and seconded by Councilmember S. Davis to approve **Bill No. 03-2** for Second Reading. The motion passed by majority voice vote of Council with Councilmember Crosby voting "Nay."

"BILL NO. 03-3, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE RECLASSIFICATION OF APPROVED USES OF TMS #197-00-02-022 AND 197-00-02-026." (Gary and Laurie O'Neill)

It was moved by Councilmember Crosby and seconded by Councilmember Fish to approve **Bill No. 03-3** for Second Reading. The motion passed by unanimous voice vote of Council.

"BILL NO. 03-5, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE RECLASSIFICATION OF APPROVED USES OF TMS #087-00-07-025 AND 087-00-07-086." (James W. Lewis, Jr.)

It was moved by Councilmember Crosby and seconded by Councilmember Spooner to approve **Bill No. 03-5** for Second Reading. The motion passed by majority voice vote of Council with Councilmembers Steve Davis and Judy Mims voting "Nay."

Chairman Rozier stated he would like to hold Bill No. 03-6; he may be able to make an Administrative change that would solve the problem. This item is in regard to where Council voted on 1,000 feet on each side of the road for R-15 and was mis-recorded on our maps.

Chairman Rozier stated there were three Bills for First Reading and explained that on Bills for First Reading there is no vote or discussion. The Bills are read by title and sent to the proper committee for discussion.

"BILL NO. 03-7, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE RECLASSIFICATION OF APPROVED USES OF TMS #271-00-01-031 AND 032." (Green Myers Development)

"BILL NO. 03-8, AN ORDINANCE AUTHORIZING THE SALE, AT PUBLIC AUCTION, OF REAL PROPERTY PRESENTLY OWNED BY BERKELEY COUNTY, LOCATED AT 1194 CLEMENTS FERRY ROAD, WANDO, SOUTH CAROLINA, TMS #263-00-01-007."

"BILL NO. 03-9, AN ORDINANCE GRANTING A RENEWAL FRANCHISE FOR THE CONSTRUCTION, ACQUISITION, OPERATION, AND MAINTENANCE OF A CABLE TELEVISION SYSTEM WITHIN SPECIFIC UNINCORPORATED AREAS OF BERKELEY COUNTY TO PINE TREE CABLEVISION."

RESOLUTION:

“RESOLUTION, PROVIDING FOR THE TRANSFER OF FUNDS IN THE 2002-2003 BERKELEY COUNTY BUDGET OF COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET.”

It was moved by Councilmember Spooner and seconded by Councilmember Fish to approve the Transfer Resolution. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 03-09 is attached to these Minutes.)

REPORTS FROM STANDING COMMITTEES:

COMMITTEE ON FINANCE, Mr. Dennis L. Fish, Chairman.

Councilmember Fish stated the Committee met on February 17 and several matters before the Committee had been taken care of on tonight's agenda.

The Berkeley County Special Fire Tax Advisory Commission provided the Committee with information in regard to the funding process for the rural fire departments. The report was received as information only; no action was required. (This concluded Mr. Fish's report.)

COMMITTEE ON LAND USE, Mr. Milton Farley, Chairman.

Councilmember Farley stated the Committee met on February 17 and all matters before them had been taken care of on tonight's agenda. (This concluded Mr. Farley's report.)

COMMITTEE ON PUBLIC WORKS AND PURCHASING, Mr. Caldwell Pinckney, Jr., Chairman.

Councilmember Pinckney stated the Committee met on February 17 and earlier tonight.

Councilmember Pinckney stated that on recommendation of the Committee he moved to award the contract for the Intersection Improvement for the Mt. Holly Commerce Park to **Plowden Construction Company, Inc.** in the amount of \$277,126.90. (No Second Required)

The motion passed by unanimous voice vote of Council.

Councilmember Pinckney stated that on recommendation of the Committee he moved to award the Roof Engineering Services Indefinite Delivery Contract to **ADC Engineering, Inc.**, with an option for four additional years. (No Second Required)

The motion passed by unanimous voice vote of Council.

Councilmember Pinckney continued on recommendation of the Committee he moved to award the Architectural Services Indefinite Delivery Contract to **D. A. Architects**. (No Second Required)

The motion passed by unanimous voice vote of Council. (This concluded Mr. Pinckney's report.)

COMMITTEE ON JUSTICE AND PUBLIC SAFETY, Mrs. Judy C. Mims, Chairman.

Councilmember Mims stated the Committee met on February 17.

On recommendation of the Committee Mrs. Mims moved to approve the School Resource Officers Contract with the Berkeley County School District; to use \$15,464.00 of the Sheriff's budget for vehicles, uniforms and insurance expense; to include the 4 officers who were under the federal grant in the Sheriff's Department; and that the four be included in the merit and grade system eligibility. (No Second Required)

The motion passed by unanimous voice vote of Council. (This concluded Mrs. Mims' report.)

COMMITTEE ON WATER AND SANITATION, Mr. Steve C. Davis, Chairman.

Councilmember S. Davis stated the Committee met on February 10 and February 17 and there was some discussion in reference to one of those meetings. However, it was not proper to address the matter because nothing came out of the Committee.

Councilmember S. Davis stated that on recommendation of the Committee he moved to approve the purchase of 34.1 acres of land from AMIC for \$85,000.00. (No Second Required)

The motion passed by unanimous voice vote of Council.

Councilmember Davis stated that on recommendation of the Committee he moved to approve tipping fees for tires at the Berkeley County Landfill as follows:

<u>Passenger tires</u>	<u>\$43.33/ton</u>
<u>Truck tires</u>	<u>\$92.00/ton</u>
<u>Off-road, Skidders</u>	
<u>And oversized Tires</u>	<u>\$150.00/ton</u>

(No Second Required)

The motion passed by unanimous voice vote of Council. (This concluded Mr. Davis' report.)

There was no report from the **COMMITTEE ON PLANNING AND DEVELOPMENT**, Mr. Charles Davis, Chairman.

COMMITTEE ON COMMUNITY SERVICES, Mrs. Judith K. Spooner, Chairman.

Councilmember Spooner stated the Committee met on February 17 and several matters before them had been taken care of on tonight's agenda. Also, the Spier's Landing Contract was discussed and copies would be provided to members of the Committee for review prior to the next scheduled meeting. (This concluded Mrs. Spooner's report.)

There was no report from the **COMMITTEE ON HUMAN SERVICES**, Mr. William Crosby, Chairman.

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

Councilmember Charles Davis nominated Gary Hogsten to the Sangaree Special Tax District.

Councilmember Fish nominated Randy McGinnis to the Berkeley County Planning Commission; William Peck to the Board of Zoning Appeals; Ward Morgan to the Accommodations Tax Advisory Commission; and Dennis Zabawa to the Tall Pines Special Tax District.

Councilmember Steve Davis nominated Bernice Friendly to the Library Board; and Ms. Kristi Herrington to the Aeronautics Commission.

Councilmember Farley nominated Gerald L. Owen to the Aeronautics Commission.

Councilmember Mims nominated Wayland Moody to the Board of Zoning Appeals.

The Nominations passed by unanimous voice vote of Council.

Councilmember Mims stated there was a memo from Rembert Wrenn with a request that George Sweatman, District 6, be nominated to the Special Fire Tax Advisory Commission; and Anthony Ravenell from District 8.

Councilmember Steve Davis stated he would like to reserve on Anthony Ravenell until they have had further information.

Chairman Rozier stated this is the Board that has five members and is Council's decision as to whom is appointed. There is not an appointee for each Councilmember.

Councilmember Spooner stated she understood they are to rotate this appointment and would like to postpone this nomination until they can determine if it's someone else's turn to appoint a member to the Five-member Board.

Chairman Rozier stated there are two openings.

The motion to nominate Mr. George Sweatman to the Berkeley County Special Fire Tax District Advisory Commission passed by unanimous voice vote of Council.

There was no **CORRESPONDENCE OR UNFINISHED BUSINESS.**

NEW BUSINESS

Chairman Rozier stated that Councilmember Crosby asked him to put the Magistrates' Advisory Committee Report on the Regular Council Agenda.

The Chairman declared a recess at 8:05p.m. The Committee reconvened at 8:11 p.m.

Councilmember Crosby relinquished his position as Councilmember and addressed Council as Chairman of the Magistrates' Advisory Committee.

Mr. William Crosby, 108 Oaks Avenue, Goose Creek, stated detailed information was included in the report such as schedules, time limits, statutes, etc. He stated that when the report is completed he would introduce the Committee who would assist in answering any questions Council may have.

Mr. Crosby thanked Chairman Rozier and Council for allowing him to present the recommendations of the Magistrates' Advisory Committee. He stated he needed to report a time schedule that is very important to this project.

The Advisory Committee initially met on November 7, 2002; the second meeting was November 26, 2002; and the third meeting was December 11, 2002. Due to the Christmas Holidays, December was a short month; and January 2003 was Council's reorganization for next two years.

He stated the South Carolina Code of Laws, Title 22 states that every four years in January County Council shall submit to the Senators in writing their recommendations of how many magistrates are needed for Berkeley County. In January 2003, a letter was faxed to Senator Mescher stating that the Magistrates' Advisory Committee would report their recommendations to County Council in February. He read the Code as follows:

Section 22-1-10, "at least 90 days before the date of the commencements of the terms provided in the preceding paragraph, every four years thereafter, each County Government body must inform in writing the Senators representing the County of the number of full time and part time magistrates positions available in the County, the number of work hours required by each position, the compensation for each position, and the area of the County to which each position is assigned. If the County Government body fails to inform in writing the Senators representing of the information as required in this section, then the compensation, hours,

location of the full-time, part-time magistrate's position available in the County remains as designated for the previous four years."

Mr. Crosby stated the Advisory Committee had been criticized for not having Public Hearings; County Council has Public Hearings, not the Advisory Committee. Chairman Rozier and Council are aware of a letter received from Senator Mescher requesting that the Advisory Committee be appointed to study Berkeley County's Magistrates' System. He introduced the Committee that was appointed: Mike Holcombe; DeAnna Trout; Rick Ollic; John Clark; Bob Ashby; Wayland Moody; Caldwell Pinckney, Jr.; William Crosby, Chairman. Ex-officio members were, Elizabeth Harper, Chief Magistrate; D. Mark Stokes, Attorney; and Judge Danny Pieper, Circuit Court.

He stated the Committee shall make recommendations to County Council, who will make recommendations to the Senators. With regard to the Magistrate's System, this report would include the proposed number of magistrates, which would be best suited for Berkeley County pursuant to State Law, the Office locations, and magistrates hours. Also, the Committee had other concerns that needed to be addressed, such as, adequate staff, adequate MIS, security, and an appropriate facility.

A Sub-committee was appointed to work out the details, which was composed of experienced users of the Magistrates' System. The Committee formulated their recommendations and gave the Chief Magistrate an extreme amount of flexibility. The recommendations given to Chairman Rozier and Council were voted on by members of the Advisory Committee and passed unanimously. Mr. Crosby stated he was criticized for not reopening the Committee but once the vote is unanimous, why would you call for another vote? The Recommendations were as follows:

MAGISTRATES (6 FULL-TIME; 1 PART TIME)

The number of Magistrates should be reduced to seven (7), with six (6) being appointed as full-time Magistrates and one (1) being appointed as a twenty-five (25) hour, part-time Judge, providing the equivalent of two hundred, sixty-five (265) hours/6.25 judges. (This figure is .50 less than the maximum allowable number of Magistrates). It is recommended that the Senate Delegation create a Citizens Screening Committee to screen applicants in order to assist the Senators in their appointment process.

Mr. Crosby stated County Council provides the finances to operate the Magistrates' System. As Chairman of the Committee, and also, as a County Council Member, his objective was to keep the Committee thinking within the Magistrates' budget. The 2002/2003 projected expense for the Magistrates' Office is \$1,252,132. The cost of 12 magistrates, 11 part-time, and 1 full-time, compared to 6 full-time and 1 part-time magistrate would be equivalent. The full-time magistrate would receive all of the benefits such as, insurance, holidays, vacation and investments. Council is aware that a magistrate is presently suing the County. The State Budget and Control Board will not pay for insurance for a part-time worker. County Government would pay if the lawsuit is lost; so, why not have full-time magistrates? Full-time

magistrates working 35 hours per week would reduce the caseload. Magistrates working in the same facility could assist each other. For example, if a magistrate is sick or out for any other reason, they would not have to close the court, and managing the schedule would be a lot more efficient. It would be a system that better serves and provides security for the citizens, Judges and Staff of Berkeley County. This system would collect fines from citizens that break the law and would document every detail of the Justice System; a system that provides through the Internet information on any person that violates the law.

SECURITY

Mr. Crosby continued, there are no metal detectors in the courtrooms. There are no deputies to protect the Judges, the citizens or the Staff. No one to collect fines, nor is there anyone in the Magistrate's System to collect on bad checks, which is at 11,000 to 14,000 at the present time. He stated that no one in the Magistrate's System has arrest authority.

CONSTABLES

The number of Constables employed should total five (5). It is recommended that all Constables be certified as deputies (LE-1) in order to be empowered with arrest authority in performance of constable duties, while also being available for courtroom security. Although certified, Constables would be subject to the supervision and control of the Chief Magistrate and presiding judges. Accordingly, one Constable could be made available at all times for courtroom security, while others could be serving papers and performing other duties. Additionally, Constables could also process bench warrants and make arrests, which would help alleviate the backlog of outstanding cases and collect outstanding fines due.

Approximately two years ago, County Council gave two (2) Code Enforcement Officers to the Chief Magistrate to collect fines, "this was a disaster, no fines were collected." County Council was told that there is \$600,000 to \$1,000,000 of uncollected fines. The LE-1s certified would help in collecting these fines.

STAFF

It is recommended that staff remain almost constant initially, adding only one full- time clerical position at present. The court will then have thirteen (13) full-time positions and three (3) part-time positions for support staff. The Chief Magistrate shall continually review operations and seek to increase, or even decrease, staff size as necessary. Furthermore, County Council should again evaluate the court support staff after consolidation of the courts as recommended herein, at which time additional modifications could be made.

CONSOLIDATION

It is recommended that the Magistrates' Courts be centralized into one location in Moncks Comer. Plans in the immediate future entail the court relocating to the present County Office Building where ample office and courtroom spaces would be available. Additionally,

part of the Sheriff's Office might also relocate to the building, thereby providing additional security to the Court. The MIS could be connected between the Magistrates' and Sheriff's Department making the flow of information between the departments a lot more efficient.

Pleadings could also be accepted for filing at certain "satellite" locations. Likewise, all forms would be made available to the public at city halls and all branches of the Berkeley County Library, as well as on the County website. A magistrate will be made available, as required by law, to perform bond hearings. It is strongly recommended that the County provide equipment so that bond hearings could be conducted through the use of video imaging thereby alleviating the necessity of transporting prisoners and the necessity of maintaining a courtroom at the jail. In the interim, it is recommended that a courtroom be provided in the Courthouse in which bond hearings could be held and prisoners could be transported via the cross- walk.

Overall, the reforms listed above will create a more efficient Magistrates' System within Berkeley County and, at the same time, better serve the citizens of Berkeley County. With a completely centralized system, more management of the judges and staff is certain, surely resulting in better docket control, centralization in collection of fines and fees, and unprecedented security for the court personnel, litigants, attorneys, jurors, and the attending public. The changes, particularly the modification of the magistrate's hours and centralization, will allow the more efficient operation of simultaneous courts thereby reducing the case load and increasing accessibility to a judge at all times by the public, law enforcement, and Chief Magistrate. Moreover, centralization of the courts coupled with the modification of the number of magistrates will expand the variety of cases heard by each magistrate resulting in a better system of justice for all in the summary courts of Berkeley County.

Mr. Crosby stated the recommendations presented came from an experienced group of citizens. These recommendations speak to the needs of the Magistrates' System as well as the needs for other departments within Berkeley County Government.

The Advisory Committee was given information that has a lot of speculation, which needs to come true before any of the recommendations can be accomplished. As a member of Council Mr. Crosby stated he knows that finances need to be available before the recommendation could be completed. The Committee was advised of this when they met but continued to work within their boundaries and have come up with an excellent recommendation for County Council to study. County Council can, and probably will, modify the recommendations before they are passed on to the Senators. Mr. Crosby stated he suggested that Council obtain a copy of the Advisory Committee minutes for review if they want to evaluate what was reported in the Local Newspaper.

Mr. Crosby stated this process would have been accomplished with the same results with a lot of untruths and extreme reports from the media. The media never called or asked him what his opinion was of the Minority Report.

Mr. Crosby advised Council that they did not have a lot of time to make their recommendations to the Senators. If the deadline is not met, or if they decide not to do

anything, that would be a big mistake. Once input is received from the citizens that called him, they would see how important it is to make changes. The Magistrates' System needs help and cannot continue to operate the way they are.

Mr. Crosby stated that when the recommendations get to Council, he would request that the Magistrates Offices in Goose Creek and St. Stephen remain open. The Advisory Committee did not make this clear because the members did not want to micro-manage the Chief Magistrate, or tell her how she should schedule her magistrates.

Councilmember Spooner stated she had received a lot of telephone calls on this issue and the most distressing part is that County Council has to make decisions and have not had the input. Councilmembers Crosby and Pinckney sat on the Committee, they had not officially informed Council, and it was pretty much assumed it was a done deal. In a perfect world, Council would be able to get the information before they are accused of doing something and making decisions. It is unfortunate that the citizens get stirred up on something that had not been reviewed by Council.

Councilmember Crosby stated he could not present the recommendations because of the schedule he previously read, yet, there were things being placed in the papers to stir things for no reason.

Councilmember Spooner it would be up to Council if they want to follow precedence. Some things have gone to Committee, some have not.

Councilmember Steve Davis suggested that the recommendations go back to Councilmember Mims' Committee on Justice and Public Safety. There are additions to the recommendations Mr. Crosby alluded to that Council does not have. He stated he had driven to all of the Magistrate's offices in the County and he would ask that Council follow the precedent and allow it to go to Ms. Mims' committee for further discussion.

Councilmember Spooner stated the precedent was to not send it to Committee.

Councilmember Steve Davis stated, then they need to create new precedents. He stated it would take a tremendous amount of information to change his opinion from the current system that would cause citizens to travel from Cross, Honey Hill, Jamestown, etc., to Moncks Corner.

Councilmember Crosby stated he would also argue about the lower end. He stated he didn't think that Goose Creek should be closed.

Chairman Rozier indicated this was a starting point for Council to discuss this matter. The discussion could take place at County Council's meeting or sent back to Committee.

Chairman Rozier: "Mr. Crosby I'd like to ask you a question, how many of your meetings did I attend sir?"

Mr. Crosby: "You attended the first meeting we had."

Chairman Rozier: "What was my purpose in attending that meeting?"

Mr. Crosby: "To organize the committee, get officers lined up and ..."

Chairman Rozier: "To allow y'all to elect the Chairman and officers."

Mr. Crosby: "And I'd like to tell the rest of the people that Senator Mescher attended the same meeting you did; and the second meeting, Senator Grooms attended. So, we had two senators to attend and you attended one."

Chairman Rozier: "They weren't mentioned in the Minority Report, I just wanted to clarify that I was at one meeting for the purpose of getting officers elected. Then I turned it over to you, is that right?"

Mr. Crosby: "That's right. The senators could tell you if you ask them, they were pretty lenient about the schedule. They said they were trying to give as much time as you could have to work on just recommendations. And they were going to wait until the last minute before they needed it to send it on to the Governor for their appointment. As Council talks, the senators were very up front and helped us a lot with the discussion. They have good input. If we need to talk to them, I'm sure they would be glad to talk to us about it."

Councilmember Farley asked how long do they have before submitting a final report?

Mr. Crosby stated the Committee discussed that the recommendations should get to the senators no later than April. They would have to get it to the Governor who would make the appointments in June.

Senator William Mescher stated the statutes are very clear on what they are supposed to do, but they have all sorts of leeway. The statutes say that the Magistrates would serve until a replacement is made and approved by the Governor. So, they could carry them over for as long as they want. If they go by the statute, it is already set for the next four years, which was done January 30. He stated he thinks the other senators are willing to ignore that because this is an extremely important decision. It involves every citizen in the County and is not an easy matter to determine. Senator Mescher stated they were willing to go along with Council for as long as they can. They want it done right, and as the statute says, they have no input into this; the Council determines the number, location, and where they are. If this is passed and they go to 6.5 magistrates, it can't be done the next day because the offices must be manned; so, it would be a transition period, if the chairman were willing to do that. There is nothing in the report that doesn't adhere to the statute other than the timing except the constables. They would have to change State law to do the constables, which might be difficult. The statute says that each magistrate personally selects a constable of his or her choice. If they go down to 5 or

whatever, they would have trouble with the State law. He stated they could try to get it changed but he doubts that it could be changed throughout the State.

Mr. Crosby stated they talked about having the constables trained to be LE-1s and the number would be down to 5 because they would have to report to the Sheriff's Department but would be controlled by the Chief Magistrate.

Councilmember Steve Davis asked does the State law say we could have only 6 full time magistrates?

Senator Mescher stated there could be 1 full-time and 23 part-time.

Councilmember Steve Davis asked did our current system satisfy State law?

Senator Mescher stated it is determined on geographics, population, and based on that they come up with a suggested number of magistrates. If you can't keep up with the caseload with 6.5 or 11, you need more or different magistrates. He stated he hopes that if this system is started, they would get reports every quarter if not sooner as to how much backlog there is.

Senator Larry Grooms stated that Berkeley County is the only county in the State with a population above 50,000 and has only one (1) full-time magistrate. Some changes need to be made in the Magisterial System we have. We could be here next year and be okay, but the problem is that we have to keep the Magistrates' System we have in place until next year. Once County Council informs the Senate/Delegation of how many full-time and part-time positions are available, then it's the Senators job to make the recommendation to the Governor, who sends the recommendation back to the full senate. The full senate must confirm each and every magistrate. He stated they adjourn the first Tuesday in June. If a magistrate is not confirmed by then it would have to wait until next January.

Councilmember Steve Davis asked who pays the cost for the magistrates?

Senator Grooms stated, Berkeley County Government.

Chairman Rozier stated the County is currently under court order to provide benefits to all full-time and part-time magistrates. The problem is that the Budget and Control Board would not allow us to insure the part-time magistrates. He stated we have not been able to buy insurance any place else; so, if we had 6 full-time and 1 part-time, the benefits would be less expensive because we are already under court order to provide benefits for 12.

Chairman Rozier stated, at no time did we say in a meeting that if we were going to do something with the magistrates, we would need a K-Mart building, that's not true. He stated we considered the K-Mart building long before we talked about magistrates. We are looking at the possibility of buying the K-Mart Building for a County Office building and if that happens there would be some space available for magistrates; it's a pretty good building with good

parking. Nothing was ever said that because we are looking at the Magistrate System, we are looking at the K-Mart building, "one had nothing to do with the other."

Chairman Rozier stated without objection, this item would go to the Justice and Public Safety Committee for discussion.

Chairman Rozier announced that the next Regular Council Meeting would be held on Monday, March 24, 2003, at 7:00 p.m.

It was moved by Councilmember Davis and seconded by Councilmember Pinckney to adjourn. The motion passed by unanimous voice vote of Council.

The Regular Council Meeting adjourned at 8:45 p.m. for Execution of documents and reconvened at 8:55 p.m. for Public Discussion.

PUBLIC DISCUSSION:

Mr. Phillip McGinnis of 416 Ashburton Drive, St. Ives, stated they had a major problem with a drainage ditch that the developer had left opened. It's a safety problem, he is losing part of his property, and it's a giant eyesore. He stated he had discussed this with Councilmember Fish and they are working on it. However, he wanted to bring to Council's attention that this is a major problem.

Mr. Ken White of 9 Lombardi Lane, Hanahan, stated with the population base in the lower part of the County, he thinks they definitely need to keep a full-time magistrate's office open. He stated that in addition to Council's thoughts of modification to what the Committee has recommended, he would recommend for the sake of a more centrally located magistrate office in the lower end of the County to maybe relocate it in the City of Hanahan on North Rhett where the people from Daniel Island could come directly across the bridge to it. He stated he was there to represent the people of Goose Creek, Hanahan and Daniel Island. He stated they need to save money if possible, but they also need to think about the people of the County as well.

Mr. White stated he sympathized with them on the Sewer project because there are some people in the Brown tract that are crying for sewer lines. Of course, it's going to cost a lot of money but they are trying to put in septic tanks and the land won't perk. There is a community of people that are not included in the development and they are asking the City to broaden that to include them so they would have sewer lines instead of septic tanks. This is at the end of Foster Creek.

Mr. Jerry Padgett of 1625 Alexander Circle, Carnes Cross Road, stated he attended a meeting here last week and was under the impression they were going to discuss the Volunteer Fire Department request for increase of fees. He stated he would like to ask Council, "when is only enough?" Mr. Padgett stated he commends those people who volunteer their time to work at the fire departments. He stated he has had an empty lot beside his house for about 18 years

and he doesn't understand why they want to impose a fire fee on an empty lot. Chairman Rozier indicated at a previous meeting that with the increase the fire departments are asking for, there is no way possible for them to accumulate the amount of money they are requesting at the 3.3 increase they wanted.

Mr. Padgett stated he lives on Social Security and in 2002, he drew \$982 per month, \$54 went to Medicare leaving him with \$928. In 2003 he got \$13 a month increase; \$4.70 went to Medicare leaving him with \$937 for a \$9 a month increase in Social Security. Earlier, the presentation depicted a rate increase for sewer. He stated he lives in the rural areas and eventually, they would run sewer down his road; they already mentioned a \$7.33 increase on the sewer but that has not yet affected him.

Mr. Padgett reiterated that his question is, "when is only enough" because each time that he only takes \$2.00 for all those things he previously mentioned, his \$937 per month shrinks pretty quickly. There are certain amenities he has to pay.

Mr. Joe Hutchinson of 1221 Stratford Road, Hanahan, stated he is the constable at the Goose Creek Office. He stated they are appointed by the magistrate, which is a State law in accordance with Volume 9, Section 22-9-10. Further it states that a Sheriff does not have the authority to appoint a constable. Therefore, what was discussed earlier about constables being brought in under the Sheriff's Department, he didn't see how Berkeley County could change a State law. Mr. Hutchinson stated he is currently serving papers on Daniel Island and due to the gas increase he can see the difference, and has started to serve more papers because the economy is so bad. He is a part-time Constable working full-time with court duties and everything else.

In regards to magistrates, if the majority of them that are currently appointed were asked to be full-time, he does not believe they would give up the full time job they have; some of them are lawyers with good practices and some have other businesses. They would not want to give up that kind of money to become a full-time magistrate and make \$40,000 to \$50,000 a year. It would be an extremely large cut for them.

Ms. Rose Hutchinson, 1261 Dickson Avenue, Hanahan, stated she had in her possession a fistful of Newspaper articles pertaining to the proposed changes to the Magistrate's System. There is very little positive in any of the articles. She stated Councilmember Spooner and Chairman Rozier have said that they thought a lot of it was misinformation and she would like to clarify that in the one letter she wrote. Ms. Hutchinson stated she made the statement that the recommendation by the Magistrate's Committee would be made to County Council and that was a done deal prior to that Committee being appointed, and she stands by that and highly suggests that each Council Member obtain copies of the November 7 and November 26 Magistrates' Committee minutes. At the November 7 Magistrates' Committee, Judge Harper said she would like for us to have more full-time judges. She addressed her office in Moncks Corner, saying, we need more space, security and clerical staff---we need a new location. She then went on to say, I would like Carnes Cross Roads Office moved to Goose Creek; I would like Jamestown and St. Stephen moved into one

location. In essence five locations would be changed to four. At the end of the November 7 Magistrates' Committee, Mr. Rozier asked Judge Harper and several other people if they would be available to meet on November 13. "I think from reading the minutes of the meeting, at that point that is when the sub-committee was formed by Mr. Rozier who keeps saying, well I didn't have a thing to do with any of this, but I think in fact you appointed the sub-committee at that point who went in and met on the 13th, came back on the 26th of November...."

Chairman Rozier: "Ms. Hutchinson, if I could stop you for just one second, I didn't appoint a committee on the committee, Mr. Crosby was Chairman of the Committee and he appointed that committee."

Ms. Hutchinson: "The sub-committee you appointed?"

Mr. Crosby: "I appointed the sub-committee."

Ms. Hutchinson: "So, you went into the November 7 committee and appointed the sub-committee. The sub-committee met on November 13, came back on November 26 and had their magistrate's recommendations in hand. And from Judge Harper's saying, we need to move Carnes Cross Roads to Goose Creek and we need to combine St. Stephen and Jamestown, we go into the we need to consolidate the Magistrates Offices and we need to do everything in Moncks Corner. I'm just here to say the citizens of Hanahan don't want any part of having to come to Moncks Corner. The Goose Creek office works very well, it does not need to be changed. And If I may remind Council, the mission of Berkeley County Government is to continuously enhance the quality of life in Berkeley County through efficient public service. The objectives of Berkeley County Government is to provide high quality, appropriate public services through the efficient use of available resources, and to operate financially responsible County Government, which minimizes cost to our citizens. This traffic back and forth, you are not considering anything that has to do with the environment; the cost of gasoline is approaching \$1.60 a gallon, it's going to go higher. In 2002, over 4,000 arrest warrants were signed off by a magistrate at the Goose Creek office. Where is the efficiency in having our police officers drive to Moncks Corner to process 4,000 arrest warrants?"

"I would just like to close by saying Mr. Rozier that when you spoke to the citizens at our Hanahan City Council Meeting last month, you were adamant that before this came to County Council that it would be publicized well, and that our citizens would have a chance to attend the meeting. The only notification that I have seen is that I received an agenda for tonight's meeting dated February 17."

Councilmember Spooner: "First of all we haven't had a Public Hearing and that would be well publicized when there is a public hearing. And I don't understand what you meant by done deal, what is a done deal?"

Ms. Hutchinson: "You said that you had heard comments and seen things about the fact that everything was a done deal and you resented that because you hadn't heard anything about it."

Councilmember Spooner: "It had not been presented to Council, I don't go to these Committee Meetings, I did not have copies of the minutes, and I was waiting until it was presented to this Council. Now, where am I wrong in that? I read letters to the editors, I have some letters given to me, but were you at those Committee Meetings?"

Ms. Hutchinson: "No, the done deal that I was referring to was not that you would vote for this but the fact that the committee would make the recommendation for the consolidation to you."

Councilmember Spooner: "I'm not surprised at that because when you're looking at the bottom line and you see a way to save money .and I have no problem with them making that recommendation, that's not necessarily what my feelings would be as to what we ought to do. But they are certainly making a recommendation and it would save the County money, it would save tax money because that tax dollar is being spent. Not necessarily save the taxpayers that would have to go to Moncks Corner it's just a matter of being careful of the words that you use."

Ms. Hutchinson: "And let's look at the saving money too, we're talking about renovation of office spaces, we're talking about hiring full-time constables, full-time magistrates...."

Councilmember Spooner: "That would save money."

Ms. Hutchinson: "That needs to be looked at, also."

Chairman Rozier: "It would be looked at."

Ms. Hutchinson: "I don't know that it's going to save money, it may break even on the magistrates, but you're not going to break even on the constables, you're not going to break even on a lot of the cost involved. Just look at it closely, the citizens of Hanahan, Goose Creek and Daniel Island do not want to see the Goose Creek Magistrate's Office closed."

Mr. Johnny Harkness, 1036 Dominion Drive, Hanahan stated his garage has 18 inch water marks and every summer when there is a storm his garage and yard floods because the drain in the front of his house is the only one that works in that part of the subdivision. When he called the County a couple years ago to fix it, they went behind the house and replaced part of the pipe behind his garage to the river and the water is not coming from there.

Mr. Harkness stated in regard to the Magistrates, he is in property management and there is a lot of this going on in Hanahan because it is a city. He would like for the County to use the courtrooms provided in these areas.

In regards to Water and Sewer, when things finally get to Council, it starts running through so fast that some of the Councilmembers can't slow it down. He stated things need to

get changed before it gets to Council. The sewer is a sensitive issue; he doesn't know what all the \$130,000,000 would go to. If it is to run pipes throughout the County, what has always happened in the past, it had to do with the value of property. You pay \$100,000 for a quarter acre lot where he lives; you buy an acre in the country and it's \$2,000. There is a reason for the price, you don't have the services. He stated he was under the impression years ago that the Sewer Plant was not at capacity and it was working quite well. Hanahan's sewer was \$25 and has gone up to \$28 a month. Now, they are talking about going up another \$7 a month on the entire community. Some people are on fixed incomes and it hurts.

Mr. Harkness stated under the Bush Administration they are going to cut back a lot of money that comes to the counties, and the counties would have to tighten their belts.

Chairman Rozier stated Mr. Harkness may have misunderstood what went through and what did not this evening.

Mr. Harkness referenced an incident in Hanahan when they started their complex. They put in one thing that didn't have any extra cost to the community. When this one thing went in to be made, everything else had to follow, it was like dominos. Although they told us we wouldn't be paying anymore, we are.

Chairman Rozier stated the Sewer capacity is working well but DHEC said we have to change it. The increase in sewer service would have been \$35 per month if Hanahan had kept the system.

The Public Discussion ended at 9:20 p.m.

S/Barbara B. Austin
Clerk of County Council

March 24, 2003
Date Approved

The **REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** to be held on Monday February 24, 2003, is scheduled to begin at 7:00 P.M., in the ASSEMBLY ROOM, BERKELEY COUNTY OFFICE BUILDING, 223 NORTH LIVE OAK DRIVE, MONCKS CORNER, S. C.

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

APPROVAL OF MINUTES:

Special Council Meeting	January 6, 2003
Public Hearings Bills Numbered: 02-65, 02-66, 02-67, 02-68, 02-69 and 02-78	January 27, 2003
Regular Council Meeting	January 27, 2003

PUBLIC DISCUSSION - Request to be heard must be made prior to Call to Order and comments must be limited to Agenda items being considered for final action.

EXECUTIVE SESSION to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the county; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the County in other adversary situations involving the assertion against the County of a claim.

THIRD READING:

1. Bill No. 02-70, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Patillo Construction Company, Inc. for Gwinnett Industries, Inc., Cypress Gardens Road, Moncks Comer, TMS #211-00-02-075 (a 8.3 acre portion, 433.63 acres total), from III, Heavy Industrial District, and for Dekalb Apartments, Inc., Cypress Gardens Road, TMS #211-00-02-062 (438.7 acres), from F-1, Agricultural District, to R-1, Single Family District. Council District No. 3.
[Recommended by Committee on Land Use]

2. Bill No. 02-71, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Mt. Holly Associates, LLC, Mt. Holly Road at U. S. Hwy 176, Goose Creek, TMS #234-00-00-011 (17.83 acres), and TMS #234-00-00-136 (7.23 acres), from PDMU, Planned Development, Mixed Use Development District, to GC, General Commercial District. Council District No. 3.
[Recommended by Committee on Land Use]

3. Bill No. 02-72, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Berkeley Investments Company, Inc., South Live Oak Drive, Moncks Comer, TMS #161-00-02-076 (an 18.55 acre portion, 76.04 acres total), from PDMU, Planned Development-Mixed Use Development District, to GC, General Commercial District. Council District No. 6.
[Recommended by Committee on Land Use]

4. Bill No. 02-73, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Berkeley Industrial Developers, Lazy Hill Road and Cypress Gardens Road, Moncks Comer, TMS #210-00-00-047 (a 54.82 acre portion, 199.14 acres total), from HI, Heavy Industrial District, and R-2, Manufactured Residential District to R-1, Single Family District. Council District No. 6.
[Recommended by Committee on Land Use]

5. Bill No. 02-74, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: John W. and Miriam A. Mitchum, Highway 17-A, Moncks Comer, TMS #123-00-02-030 (2.06 acres), from F-1, Agricultural District, to GC, General Commercial. Council District No. 8.
[Recommended by Committee on Land Use]

Berkeley County Council Rules allows all bills to be given second reading by one motion as a collective group. Any member may object to a particular bill and it shall be separated from the collective group and handled by a separate motion.

SECOND READING:

1. **Bill No. 03-1**, An Ordinance authorizing and providing for the issuance of Water and Sewer System Revenue Bonds of Berkeley County, South Carolina; prescribing the form of bonds; limiting the payment of the bonds solely to the net revenues derived from the operation of the system and pledging the revenues to such payment; creating certain funds and providing for payments into such funds; and making other covenants and agreements in connection with the foregoing.
[Recommended by Committee on Finance]

2. **Bill No. 03-2**, First Supplemental Ordinance providing for the issuance and sale of Berkeley County, South Carolina, Water and Sewer System Revenue Bonds, series 2003, in

the principal amount of not exceeding \$130,000,000; prescribing the form and details of such bonds; and other matters relating thereto.

[Recommended by Committee on Finance]

3. **Bill No. 03-3**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Gary and Laurie O'Neill, 326 Garbar Lane, Moncks Corner, TMS #197-00-02-022 (4.33 acres), and 197-00-02-026 (1.83 acres), from R-2, Manufactured Residential District, to F-1, Agricultural District. Council District No. 3.

[Recommended by Committee on Land Use]

4. **Bill No. 03-5**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: James W. Lewis, Jr., 2172 North Highway 17-A, Bonneau, TMS #087-00-07-025 (a .71 acre portion, 2.51 acres total), and 087-00-07-086 (one lot), from F-1, Agricultural District, to GC, General Commercial District. Council District No. 6.

[Recommended by Committee on Land Use]

5. **Bill No. 03-6**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Robert Mead, 1026 Hunt Club Road, Moncks Corner, TMS #164-00-02-045 (2,812.23 acres), from R-15, Preservation Residential District, to F-1, Agricultural District. Council District No. 8.

[Recommended by Committee on Land Use]

FIRST READING:

1. **Bill No. 03-7**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Green Myers Development, 2526 Clements Ferry Road, Cainhoy, TMS #271-00-01-032 (18 acres portion of 19.16 acres total), and 032 (a 17 acre portion of 18.09 acres total), from GC, General Commercial District to LI, Light Industrial District. Council District No. 8.

[Recommended by Committee on Land Use]

2. **Bill No. 03-8**, An Ordinance authorizing the sale, at public auction, of real property presently owned by Berkeley County, located at 1194 Clements Ferry Road, Wando, South Carolina, TMS Number 263-00-01-007.

[Recommended by Committee on Land Use]

3. **Bill No. 03-9**, an Ordinance granting a renewal franchise for the construction, acquisition, operation, and maintenance of a cable television system within specific unincorporated areas of Berkeley County to Pine Tree Cablevision.

[Recommended by Committee on Finance]

RESOLUTIONS:

1. **RESOLUTION** providing for the Transfer of Funds in the 2002-2003 Berkeley County Budget for County Purposes other than as specified in said Budget.
[Recommended by Committee on Finance]

REPORTS FROM STANDING COMMITTEES:

1. Committee on Finance.
Councilmember, Mr. Dennis L. Fish, Chairman.
2. Committee on Land Use.
Councilmember, Mr. Milton Farley, Chairman.
3. Committee on Public Works and Purchasing.
Councilmember, Caldwell Pinckney, Jr., Chairman.
 1. Intersection improvements, Mt. Holly Commerce Park at US 52.
 2. Architectural Services Indefinite Delivery Contract.
 3. Roof Engineering Services Indefinite Delivery Contract.
4. Committee on Justice and Public Safety.
Councilmember, Mrs. Judy C. Mims, Chairman
 1. Contract with Berkeley County School District Re: Resource Officers.
5. Committee on Water and Sanitation.
Councilmember, Mr. Steve C. Davis, Chairman.
 1. Tipping fees for tires
 2. Purchase agreement for 34.1 acres from AMIC
6. Committee on Planning and Development.
Councilmember, Mr. Charles E. Davis, Chairman.
7. Committee on Community Services.
Councilmember, Mrs. Judith K. Spooner, Chairman.
8. Committee on Human Services.
Councilmember, Mr. William E. Crosby, Chairman.

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

ACCOMMODATIONS TAX ADVISORY COMMITTEE
AERONAUTICS COMMISSION
BCD COUNCIL OF GOVERNMENTS
BERKELEY-CHARLESTON-DORCHESTER RTMA

BOARD OF ZONING APPEALS
CHARLESTON NAVAL COMPLEX REDEVELOPMENT AUTHORITY
CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS
GOOSE CREEK RECREATION COMMISSION
HOUSING BOARD OF ADJUSTMENTS AND APPEALS
LIBRARY BOARD
PIMLICO SPECIAL TAX DISTRICT ADVISORY BOARD
PLANNING COMMISSION
SANGAREE SPECIAL TAX DISTRICT
SANTÉE COOPER COUNTIES PROMOTION COMMISSION
SPIERS LANDING COMMISSION
TALL PINES SPECIAL TAX DISTRICT
WATER AND SANITATION APPEALS BOARD

CORRESPONDENCE

UNFINISHED BUSINESS

NEW BUSINESS

Magistrates' Advisory Committee Report

ANNOUNCEMENTS

The MARCH 2003, Regular Meeting of Berkeley County Council will be held on MONDAY MARCH 24TH, 2003, in THE ASSEMBLY ROOM, 223 NORTH LIVE OAK DRIVE, MONCKS CORNER, S. C., at 7:00 P.M.

ADJOURNMENT

EXECUTION OF DOCUMENTS BY COUNCIL

PUBLIC DISCUSSION

February 19, 2003
S/Barbara B. Austin
Clerk of County Council